

UNITED STATES BANKRUPTCY COURT  
FOR THE WESTERN DISTRICT OF MICHIGAN-SOUTHERN DIVISION  
IN RE:

Lewis V. Sutton, and  
Jacqueline R. Sutton,

File No. HK 12-09144  
Chapter 7  
Hon. Scott W. Dales

Debtors.

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**MOTION FOR APPROVAL OF SALE OF PROPERTY OF THE ESTATE**

**NOW COMES** Stephen L. Langeland, Trustee, by his attorneys Paul F. Davidoff, P.C. and moves this Court as follows:

1. That Stephen L. Langeland is the duly appointed, qualified and acting Trustee of the captioned bankruptcy estate.
2. That the Debtors filed a Chapter 7 proceeding herein on October 15, 2012.
3. That included in the property of this estate is the Debtor's undivided one-third (1/3) interest in a parcel of real estate located at 2905 Clarice St., Kalamazoo, MI 49048.
4. That the Trustee commenced an adversary proceeding, (Adv. Proc. No. 14-80048), against the other two joint owners of the real estate, Vicki Sutton and Patricia Gibbs, seeking authority to sell the real estate and divide the net sale proceeds equally between the bankruptcy estate, Ms. Sutton, and Ms. Gibbs pursuant to 11 U.S.C. §363(h). Upon approval of this sale, the adversary proceeding will be dismissed.
5. That the Trustee has received an offer to purchase the estate's undivided one-third (1/3) interest in the real estate from Patricia Gibbs of 7418 South 31<sup>st</sup> St., Kalamazoo, MI 49048 for the sum of \$20,000.00 cash.
6. That it is in the best interest of this estate and its creditors that the sale of said real estate be approved, subject to the following terms and conditions:

**A. PROPERTY.** The real estate is located at 2905 Clarice St., Kalamazoo, MI 49048., and is legally described as follows:

Land situated in the Township of Comstock, Kalamazoo County, Michigan, and described as follows, to-wit:

**An undivided one-third (1/3) interest in Percys #1 Lot 56  
Parcel No. 3907-07-134-210**

Subject to all conditions, restrictions, limitations, and easements of record.

**B. TERMS.** The real estate will be sold on an "AS IS, WHERE IS" basis, without representation of warranty, express or implied, of any kind, nature, or description, including, without limitation, any warranty by description, or merchantability, useability, or of fitness for any purpose.

The Trustee shall not be required to inspect or test or report on the condition of the real property or the operability of the real property or the existence of any possible defects in the real property.

All real estate taxes which are a lien against the described real estate shall be paid out of the sale proceeds as an expense of sale. Any tax which becomes a lien on said real estate after the date of sale shall be paid by the purchaser, and the 2014 real estate taxes shall be prorated to the date of closing. The sale shall be consummated by the delivery to the purchaser of a Trustee's Deed without warranty of title, and the Trustee shall have no obligation to furnish title insurance, and any such expense shall be borne by the purchaser.

In order to expedite closing as soon as possible, the stay provisions of Fed. R. Bankr. P. 6004(h) shall be set aside as null and void.

The described real estate shall be sold free and clear of all liens, encumbrances, and/or claims therein, with said liens, encumbrances, and/or claims attaching to the sale proceeds, in the same order of validity, rank, and priority as now exists in the said real estate. Any and all liens, claims and encumbrances shall be discharged when a copy of a subsequent Order Confirming Sale entered by this Court is recorded along with the Trustee's Deed in the Register of Deeds office.

The expenses of custody, protection, insurance of the property, as well as expenses of the sale, including administrative and all legal expenses of these proceedings relating to the protection and sale of said property shall be charged against the sale proceeds with priority over all claims.

**WHEREFORE**, the Trustee requests that this Court enter an Order confirming the sale of the within real estate on the terms and conditions set forth above, to Patricia Gibbs of 7418 South 31<sup>st</sup> St., Kalamazoo, MI 49048 for the sum of \$20,000.00 cash.

Dated: April 25, 2014

BUSINESS ADDRESS:  
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By: 

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